

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MM Docket No. 00-53
FM Broadcast Stations.	)	RM-9823
(Detroit Lakes and Barnesville, Minnesota,	)	RM-9950
Enderlin, North Dakota)	)	

REQUEST FOR SUPPLEMENTAL INFORMATION

**Adopted:** September 4, 2002

**Released:** September 20, 2002

**Comment Date:** November 1, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Petition for Reconsideration filed by Triad Broadcasting Company, LLC ("Triad Broadcasting") and a Petition for Reconsideration filed by Enderlin Broadcasting Company ("Enderlin Broadcasting") both directed to the *Report and Order* in this proceeding.<sup>1</sup> Clear Channel Broadcasting Licenses, Inc. ("Clear Channel") filed a Consolidated Opposition to Petitions for Reconsideration. Triad Broadcasting and Enderlin Broadcasting each filed a Reply to the Consolidated Opposition to Petitions for Reconsideration. For the reasons discussed below, we are issuing this *Request for Supplemental Information*.

Background

2. At the request of T&J Broadcasting, former licensee of Station KRVI, Channel 236C1, Detroit Lakes, Minnesota, the *Report and Order* in this proceeding reallocated Channel 236C1 to Barnesville, Minnesota, as a first local service, and modified the Station KRVI license to specify Barnesville as the community of license.<sup>2</sup> In doing so, the *Report and Order* denied a Counterproposal filed by Enderlin Broadcasting proposing a first local service at Enderlin, North Dakota. In its Petition for Rule Making, T&J Broadcasting specifically stated that it is relocating its transmitter site to another existing tower due to the fact that "it will be forced off its present tower by the DTV transition." In their respective Petitions for Reconsideration, both Triad Broadcasting and Enderlin Broadcasting contend that Channel 236C1 could be reallocated to Barnesville at the existing Station KRVI transmitter site. In view of the contentions set forth in both Petitions for Reconsideration and the need to resolve this proceeding on the basis of a complete record, Clear Channel is requested to submit additional information documenting the unavailability of the existing Station KRVI transmitter site. Triad Broadcasting and Enderlin Broadcasting may also submit documentation supporting their contention that this site would, in fact, be available as a transmitter site.

3. Interested parties may file comments on or before November 1, 2002. Comments should be

<sup>1</sup> *Detroit Lakes and Barnesville, Minnesota, Enderlin, North Dakota*, 16 FCC Rcd 22581 (M.M. Bur. 2001).

<sup>2</sup> Clear Channel is now the licensee of Station KRVI.

filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the following counsel:

Gregory L. Masters  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, D.C. 20006

Matthew McCormick  
Reddy, Begley & McCormick  
2175 K Street, NW  
Washington, D.C. 20037

David D. Oxenford, Jr.  
Shaw Pittman  
2300 N Street, NW  
Washington, D.C. 20037

4. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules.<sup>3</sup>

5. For further information concerning this matter, contact Robert Hayne, Media Bureau, (202) 418-2177. For purposes of this restricted notice and comment rulemaking proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An *ex parte* presentation is not prohibited if specifically requested by the Commission or the staff for clarification or adduction of evidence or resolution of the issues in the proceeding. However, any new written information elicited from such request or summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in this proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

---

<sup>3</sup> See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.